

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
- v. -	:	CONSENT PRELIMINARY
	:	ORDER OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MARIA FERNANDA GUTIERREZ OSPINO,	:	
	:	20 Cr. 102 (VEC)
Defendant.	:	
	:	
	:	
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WHEREAS, on or about February 5, 2020, MARIA FERNANDA GUTTIERREZ OSPINO, (the “Defendant”) was charged in a two-count Information, 20 Cr. 102 (VEC) (the “Information”) with conspiracy to commit mail fraud, wire fraud, and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the commission of the offenses charged in Count One, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Count One of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting, or derived from proceeds the defendant obtained directly or indirectly, as a result of the commission of the offenses charged in Count One of the

Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Count One of the Information;

WHEREAS, on or about October 29, 2020, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2)(A) and Title 28 United States Code, Section 2461(c), a sum of money equal to \$51,868.64 in United States currency, representing proceeds traceable to the commission of the offenses charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$51,868.64 in United States currency, representing the amount of proceeds traceable to the offenses charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, as a result of the acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorney Samuel Rothschild of counsel, and the Defendant, and his counsel, Julia Kefalinos, Esq., that:

1. As a result of the offenses charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$51,868.64 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged

in Count One of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, MARIA FERNANDA GUTIERREZ OSPINO and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the "United States Marshals Service" and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: Samuel P. Rothschild 8/1/21
Samuel Rothschild
Assistant United States Attorney
One Saint Andrew's Plaza
New York, NY 10007
212-637-2504
DATE

MARIA FERNANDA GUTIERREZ OSPINO
By: [Signature] 8/3/21
MARIA FERNANDA GUTIERREZ OSPINO
DATE

By: Julia Kefalinos 8/3/21
Julia Kefalinos, Esq.
2121 SW 3rd Avenue, Suite 600
Miami, FL 33129
305-676-9545
DATE

SO ORDERED:

Valerie Caproni 9.13.21
HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE
DATE